



THE CITY OF NEW YORK  
LAW DEPARTMENT

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October 10, 2023

**Via ECF**

Honorable John P. Cronan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, New York 10007

The request is granted. The parties shall file their joint letter by October 17, 2023. The Clerk of Court is respectfully directed to close Docket Number 76.

SO ORDERED.  
Date: October 11, 2023  
New York, New York

  
JOHN P. CRONAN  
United States District Judge

Re: Muniz v. City of New York, et al.  
Civil Action No.: 20-cv-9223 (JPC)  
Law Dept. No.: 2020-046956

Dear Judge Cronan:

I am an Assistant Corporation Counsel in the office of Hon. Sylvia O Hinds-Radix, Corporation Counsel of the City of New York, representing the Defendants, The City of New York, and New York City Police Department Inspector John Mastronardi (collectively, "Defendants"), in the above-referenced action. In accord with Your Honor's Individual Rules of Practice, I write to respectfully request an extension of time from October 10, 2023 until October 17, 2023 for the parties to respond the Court's inquiry into whether the parties believe a settlement conference and/or a mediation would be helpful. This is Defendants' first request for an extension of time.

For background, the Defendants moved for summary judgment on October 18, 2022. See ECF Dkt. No. 55. On September 23, 2023, the Assistant Corporation Counsel assigned to this matter, Mr. Zachery Ellis, began a pre-planned vacation with a scheduled return date of October 12, 2023. On September 27, 2023, the Court granted in part, and denied in part, Defendants' motion for summary judgment. See ECF Dkt. No. 75. The Court further ordered that, "[b]y October 10, 2023, the parties shall inform the Court whether they believe that a referral to the court annexed mediation program or to the Honorable Jennifer Willis, United States, for settlement discussion would be helpful..." Id. Plaintiff's counsel contacted Mr. Ellis on October 6, 2023 conveying that they wish to proceed with settlement discussions before the Honorable Jennifer Willis, and followed up with the undersigned, who is listed as Mr. Ellis' emergency contact in his absence, on October 8, 2023.

The requested extension is necessary so that Mr. Ellis has adequate time, upon his return on October 12, 2023, to consider the Court's order and to have the necessitated discussions with both his client and Plaintiff's counsel.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/

René L. Macioce  
Assistant Corporation Counsel

cc: **All Counsel of Record (via ECF)**